

Introduced by Senator Figueroa

February 22, 2002

An act to amend Section 12439 of the Government Code, relating to state employment, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 2024, as introduced, Figueroa. State employees: vacant positions: hiring freeze.

Existing law, with certain exceptions, requires the Controller, commencing July 1, 2001, to abolish any state position that was vacant continuously for 6 consecutive monthly pay periods during the period between July 1 and June 30 of the preceding fiscal year. Existing law also requires that positions that were continuously vacant for 6 consecutive monthly pay periods during a fiscal year because of a hiring freeze in effect during part or all of that period be abolished unless the Director of Finance is notified of the need for, and approves of, the continuance of the positions.

This bill would delete the provisions relating to the abolishment of positions that were continuously vacant because of a hiring freeze, and would, instead, provide that no time during a hiring freeze may be included when determining whether a position has been vacant for 6 consecutive monthly pay periods.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 12439 of the Government Code is amended to read:

12439. (a) Beginning July 1, 2001, and on each July 1 thereafter, the Controller shall abolish any state position that was vacant continuously for six consecutive monthly pay periods during the period between July 1 and June 30 of the preceding fiscal year. ~~Those positions that were continuously vacant for six consecutive monthly pay periods during a fiscal year because of a hiring freeze in effect during part or all of the period shall also be abolished unless the need for continuing these positions is provided in written notice to, and approval is granted by, the Director of Finance. No time during a hiring freeze may be included when counting six consecutive monthly pay periods for purposes of this section.~~

(b) If late enactment of the annual Budget Act contributes to the abolishment of any proposed new position or positions, or if significant recruitment problems for hard-to-fill classifications, as determined by the Department of Finance, contribute to the abolishment of positions, a state agency may submit a written request for reestablishment of the positions to the Director of Finance. The positions may be reestablished upon approval granted by the Director of Finance.

(c) The only exceptions to this abolishment are ~~those~~ positions exempt from civil service or ~~those~~ instructional and instruction-related positions authorized for the California State University. ~~No~~

(d) No money appropriated by the subsequent Budget Act shall be used to pay the salary of any otherwise authorized state position that is abolished pursuant to this section.

~~(d)~~

(e) The Controller, no later than the following August 1 of each succeeding fiscal year, shall notify the Department of Finance in writing of any authorized state position that was vacant continuously during that period.

~~(e)~~

(f) The Controller, no later than the following December 1 of each succeeding fiscal year, shall furnish the Joint Legislative Budget Committee a report on all positions as of July 1 that were

1 unfilled continuously for six consecutive monthly pay periods
2 during the period between July 1 and June 30 of the preceding
3 fiscal year.

4 SEC. 2. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety
6 within the meaning of Article IV of the Constitution and shall go
7 into immediate effect. The facts constituting the necessity are:

8 In order to prevent inappropriate abolishment of state positions,
9 including positions that secure the public peace, health, and safety,
10 it is necessary that this act go into immediate effect.

